

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 27269 of 2003

Between:

Sri Andru Ramulu @ Rama Rao,
R/o.Jangareddygudem, West Godavari District.

..... PETITIONER

AND

- 1 The District Collector, Eluru, West Godavari District.
- 2 The Special Dy. Collector,(TW), Kotaramachandrapuram, West Godavari District.
- 3 The Splecial Deputy Tahsildar-1, Kotaramachandrapuram, West Godavari District.
- 4 The Mandal Revenue Office, Buttaigudem, West Godavari District.
- 5 Nupa Papa Rao, S/o.Not known,
R/o.K.Ankapalem, Buttaigudem (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order of direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in passing the ejectment orders in S.R.No.2/2002, dated 8-10-2003, as illegal, arbitrary, unconstitutional and violative of the principles laid-down under the provisions of the A.P.Scheduled Area Land Transfer Regulation Act and consequently direct the respondents not to take up the further proceedings of ejecting the petitioner form his land an extent of Ac.7-10 cents in R.S.No.105, 108 & 107 situated at erstwhile Tatiyakulagudem, now within the Nagavaram Panchayat Area of Buttaigudem Mandal, West Godavari

District, in pursuance of the impugned orders passed by the 2nd respondent pending disposal of the appeal filed by the petitioner before the 1st respondent.

Counsel for the Petitioner:MR.C.B.RAM MOHAN REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.5: MR. V. VENUGOPALA RAO.

The Court made the following :

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ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioner herein, who is a non-tribal, filed this writ petition, inter alia, seeking writ of Mandamus declaring the action of second respondent in passing the ejection

orders dated 8-10-2003 as illegal and violative of the principles laid down under the provisions of A.P. Scheduled Area Land Transfer Regulation Act and further to direct the respondents not to take up further proceedings of ejecting the petitioner from his land.

Though several contentions are sought to be urged across the Bar on both sides, however, admittedly, the petitioner filed a regular appeal against the impugned orders which is pending before first respondent viz., Agent to the Government. In view of the same, it is not necessary to go into the merits of the case. Suffice to direct first respondent to dispose of the appeal pending before him.

Accordingly, this writ petition is disposed of directing first respondent to dispose of the appeal pending before him within a period of three months from the date of receipt of a copy of this order. It is needless to state that the interim orders already granted by this Court shall continue till the disposal of the appeal by first respondent. If any of the parties seek any further directions, it is open for them to move appropriate application before the said authority, which will be considered on merits. No costs.

To

- 1 The District Collector, Eluru, West Godavari District.
- 2 The Special Deputy Collector,(TW), Kotaramachandrapuram, West Godavari District.
- 3 The Special Deputy Tahsildar-1, Kotaramachandrapuram, West Godavari District.
- 4 The Mandal Revenue Officer, Buttaigudem, West Godavari District.
5. Two CCs to the Government Pleader for Social Welfare, High Court Building, Hyderabad. (OUT)
6. Two C.D. copies.

Stv/-